



# Board of Livestock Meeting Minutes

November 16, 2009

**MONDAY NOVEMBER 16 , 2009**      **9 A.M.**  
**ROOM 172, CAPITAL BUILDING**

**BOARD OF LIVESTOCK MEMBERS PRESENT:**

Stan Boone, cattle producer  
Jan French, chair, cattle producer  
Brett DeBruycker, cattle producer  
Linda Nielsen, vice chair, cattle producer  
Ed Waldner, swine producer  
Jeffrey Lewis, dairy producer  
John Lehfeltdt, sheep producer

**STAFF:**

Marty Clark, assistant administrator, Brands Enforcement  
John Grainger, administrator, Brands Enforcement  
George Harris, administrator, Centralized Services  
Dr. Bill Layton, administrator, Diagnostic Laboratory  
Christian Mackay, executive officer  
Steve Merritt, public information officer  
Carol Olmstead, bureau chief, Meat Inspection  
Dr. Jeanne Rankin, assistant state veterinarian, Animal Health  
Sherry Rust, administrative assistant, recorder  
Dan Turcotte, bureau chief, Milk and Egg  
Dr. Marty Zaluski, state veterinarian/administrator, Animal Health Division

**GUESTS:**

Mike Foster, USDA Wildlife Services  
Les Graham, Montana Farm Bureau/Montana Market Association  
Ken Herberling, Dillon Dairy Association  
Druska Kinkie, producer  
Richard Kinkie, producer  
Dr Tom Linfield, AVIC  
Jack McRae, Montana Wool Growers  
Maren Olsen, Denny Rehberg's office  
Nancy Schlepp, Montana Farm Bureau  
Ariel Overstreet, Montana Stockgrowers Association  
John Steuber, USDA APHIS Wildlife Services  
Ruben A Wurz, Big Stone Colony Dairy

**CALL TO ORDER**      9:00 a.m.

**BOARD COMMUNICATIONS:**

Brett DeBruycker

- Dutton area-things are going well, nice fall, getting cattle shipped-shipping a lot of fat cattle thru the feedlot

Jan French

- no moisture this summer for re-growth, but great moisture now, creeks are flowing

- shipped a bunch of cows yesterday
- Linda Nielsen
- busy season for sales yards, feeders now, sales are up right now
  - cull cows are falling
- Stan Boone
- pretty good shape, most area producers lost their hay in bad hail in August - will have to buy feed
- Ed Waldner
- pretty dry up north
- John Lehfeltdt
- lambs are sold, not great prices but they are gone
  - pasturing situation not good, very dry
- Jeff Lewis
- Bitterroots warm and dry

**APPROVAL OF MINUTES:**

**Stan Boone moved to approve the minutes of the September 2009 meeting. Jeff Lewis seconded. The motion carried unanimously.**

**APPROVAL OF EXECUTIVE OFFICER REPORTS:**

**Jeff Lewis moved to approve the executive officer report as presented. Ed Waldner seconded. The motion carried unanimously.**

**APPROVAL OF CHAIRMAN INTERIM AUTHORIZATIONS AND ACTIVITIES:**

Vice chair Linda Nielsen authorized seasonal flu & H1N1 vaccinations for DOL responding field staff at department expense.

**Ed Waldner moved to approve the interim authorization. John Lehfeltdt seconded. The motion carried unanimously.**

**Division Reports:****BRANDS ENFORCEMENTS, JOHN GRAINGER**

- reported on estray notification and sales
- lots of cattle moving, markets are up, highest in the last three years
- over 1,000 trip permits online thus far
- department is working on public service announcements and some paid announcements

**PUBLIC INFORMATION OFFICE, Steve Merritt**

- continuing to follow up on online market permits
- will be starting on brand rerecord promotion soon
- next year is the department's 125th anniversary, the department's first meeting was held in Miles City in July
- working on a celebration including brands displays, etc

**MEAT INSPECTION, Carol Olmstead****Out of State Travel Request**

- FDA annual regional meeting out of Seattle being held in January 2010
- FDA is funding two representatives from each participating state
- for Montana one from DPHH S and one from the DOL
- request authorization to attend

**Linda Nielsen moved to authorize Carol Olmstead to attend the meeting as described. Brett DeBruycker seconded. The motion carried unanimously.**

ANIMAL HEALTH, Dr Marty Zaluski

a. Brucellosis Action Plan

- sunsets on January 10, 2010
- request approval of an official order requiring continued testing and surveillance and official calfhood vaccination
- strongly recommend continued herd testing, animal identification and official calfhood vaccination
- suggest posting the draft OCV online and local meetings soliciting comments for a 30 day comment period
- then move forward to OCV

Public Comment:

DRUSKA KENKIE, Paradise Valley, read her letter to the board

- did not get to see OCV prior to meeting
- lack of opportunity for producers to comment
- too confusing with proposed federal rules and state OCV on the table
- requested annual testing be dropped

ALLEN

- information needs to get out but it is not
- know of neighbors and bison producers shipping without testing
- need to get to the "under the radar" people
- annual testing is too much

LES GRAHAM - Farm Bureau policy recommends mandatory vaccination

DR ZALUSKI

- the state is responsible for DSA even if it becomes part of federal rules
- herd plans will continue to create a risk mitigation procedure
- prior to the mandate nothing was going on and come January 11 there will be nothing again
- the proposed plan would keep a program in place
- need to continue to pursue testing for those who have not participated

CHRISTIAN MACKAY reviewed BAP actions and notifications:

- downgraded, developed plan (BAP), implemented plan, and producer notification
- meetings were held during developing and implementing BAP
- 25 different (local) public meetings, Board of Livestock meetings/planning conference calls
- letters and memos sent to producers (over 40,000 pieces of paper) based on per capita records
- 10 to 15 media notices

NANCY SCHLEPP, Montana Farm Bureau

- her organization is providing risk surveys at their meetings and urging producers to complete them

BRAD CRONE, Dillon veterinarian

- probability of positive is low
- is it possible to have cattle bled on the date of shipment then in the event of a positive chase it down

DR ZALUSKI

- the test is a federal requirement that mandates the quarantine
- Idaho & Wyoming have OCV throughout their states
- other state veterinarians perceptions dictates sales and shipments to other states

**Brett DeBruycker moved to approved the official order as discussed with a 30 day comment period (Dec 16th deadline). Ed Waldner seconded. The motion carried unanimously.**

The board will be provided with the final draft with comments and changes following the 30 day deadline prior to their voting on implementation.

b. H1N1 Response Plan

- Dr Zaluski provided two documents
  - summary of preparedness by MDOL
  - actions surrounding suspect or confirmed case of H1N1
  - National Pork Producers have adopted these documents

**Ed Waldner moved that the board approve the National Action Plan. Brett DeBruycker seconded. The motion carried unanimously.**

USDA WILDLIFE SERVICES (PREDATOR DAMAGE CONTROL), John Steuber

- one helicopter pilot had an accident with a four wheeler and will be out for sometime
- the federal helicopter is still down
- wolf issue
  - public hunt has taken 62 of the 75 wolf quota
  - 166 wolf investigations in 2008 vs. 233 in 2009
  - 116 wolves were taken out by WS in 2009 as authorized by Montana Fish, Wildlife and Parks
- new program this year in Montana
  - control of bird damage at dairies and feedlots

**RECESS:** 10:33 a.m.

**RECONVENE:** 10:57 a.m.

MILK & EGG, Dan Turcotte

a. USDA Grade B rule adoption proposal

- some of the Grade B milk regulations have not been updated since 1980
- request authorization from the board to adopt by reference USDA " rules and recommendations" for Grade B products and to consult an attorney for guidance
- will provide final draft for board approval prior to filing

**Jeff Lewis moved to authorized moving forward and consulting attorney to complete adoption by reference. Linda Nielsen seconded. The motion carried unanimously.**

- "shielded eggs"
  - bureau is partnering with USDA to provide a shielded egg program for Montana
  - a state employee will be licensed following grader training in Washington state
  - producers will no longer send eggs out of state to be "shielded" then brought back into Montana for sale
  - grader compensation will be billed back to the facility
  - the program will start within a year when the facility (built by a private party) is completed

b. Letter regarding raw milk sales

BECKY WEED, Belgrade

- referenced the raw milk movement across the country
- legal in 23 state and 31 states allow "pet" consumption
- concerned with it going underground where uneducated producers put themselves at risk
- asked the board to look at samples she emailed to Christian Mackay

JENNY SABO, Harrison

- owns four dairy cows and getting almost weekly requests for raw milk

- encouraged rule makes of the state to be aware of the demand and put protection in place for consumers

The board questioned whether it is federal or state law regarding pasteurization and took the issue under advisement.

JEFF LEWIS, board member

- presented a half gallon of Darigold milk he purchased in Helena citing that the two dates on the container as very confusing to consumers
- has heard of issues with products being pulled by the proper date

Christian Mackay reviewed the history of the dual date issue to date

KEN HEBERLING, Dillon, Montana licensed jobber

- concerned about Coremark's milk being in placed in Montana outlets and the potential loss of employment
- does not comply with Montana law
- should either stop importing the milk or take the "other" date off - leaving only the Montana date
- jobbers and producers are living by the rules why don't they?
- requested to be informed of court date and said a list of 34 jobbers available from Milk Control Board

Centralized Services, George Harris

a. Indirect Cost Allocation

- Explained the intent of HB21 passed in 2002 regarding indirect costs
- board set indirect cost limitation at \$50,00
- requested board authorization to continue indirect cost rate as it has been for 2010 and 2011
- then limit to be raised to \$55,000 for FY 2012 and 2013

**Brett DeBruycker moved to authorize the proposed indirect cost allocation to \$55,000 in 2012 & 2013 as recommended. Ed Waldner seconded. The motion carried unanimously.**

b. Budget Status/State Special Revenue Update

- presented full quarter summaries for each division

c. LLRMB, George Edwards

- the board met on October 23
- provided current payout sheet
- 302 animals lost and paid out

Diagnostic Lab

a. Out of State Travel Request

- to NVSL, Ames IA for two to educational seminars for CEM and Brucella isolation
- must have approved certification to perform CEM and USDA recommended Brucella training at NVSL in Brucellosis Review (April 2009)
- can piggyback training seminars
  - January 11-15 Brucellosis seminar funded from Brucella herd plan funds
  - January 21 and 22 CEM seminar, funded by other sources

Christian said the office of the Governor's chief of staff states out of state travel is appropriate for Brucella training as meeting the department's mission

**Linda Nielsen moved to authorize both requests for out of state travel for training. Jeff Lewis seconded. The motion carried unanimously.**

- explained the need for a new fluorescent polarization machine

- working with APHIS for funds with elk and bison testing as justification
- will probably be doing 200 to 300 elk per month per FWP
- approximate cost for the machine is \$28,500
- Dr. Layton apprised the Board of the status and importance of open pathologist position.

**PRODUCER ORGANIZATION UPDATES:**

MONTANA STOCKGROWERS ASSOCIATION, Ariel Overstreet

- invited everyone to the annual convention
- December 10 through 12 at the Crown Plaza and Metra Park

WOOLGROWERS, Jack McRae

- invited to all to the annual convention
- December 4 and 5 at the Billings Convention Center

**OPEN MICROPHONE:**

Producers and guests opportunity to speak.

**SET NEXT MEETING DATE:**

January 13th - one day meeting

If possible the board will attend a combined meeting with FWP on January 14.

**ADJOURNMENT**            1:30 p.m.

---

JAN FRENCH, CHAIRMAN  
BOARD OF LIVESTOCK